

TIPPECANOE COUNTY DRAINAGE BOARD MEETING HELD ON MARCH 5th 1975

The Tippecanoe County Drainage Board held it's regular meeting on March 5th, 1975 with the following members present: Bruce Osborn, Robert F. Fields, William Vanderveen, Robert L. Martin, Ron Melichar and Gladys Ridder.

Minutes Upon the reading of the minutes of the February 5th, 1975 meeting, a motion was made by William Vanderveen, Seconded by Robert Fields and made unanimous by Bruce Osborn to accept the minutes as read.

10:00 a.m. Harold D. Witz came before the Board with some questions on the Elliott ditch. Mr. Martin H.Witz assured him that the laterals had been connected and levels taken before the work was begun on the pipe recently installed on the Elliott ditch.

Roger D. Branigan, Jr. appeared before the Board on behalf of those interested in vacating a portion of Branch No. 14 of the S. W. Elliott ditch. The following Petition was filed with the Surveyor on February 27th, 1975:

10:15 a.m.
Branch # 14
Elliott
Vacation

IN THE MATTER OF THE VACATION
OF A PORTION OF BRANCH NO. 14
OF THE ELLIOTT DITCH

PETITION

The Petitioner, First National Bank of East Chicago, Indiana respectfully petitions the Tippecanoe County Drainage Board and shows the Board as follows:

1. The Petitioner believes itself to be the owner of at least ten per cent of the real estate which would be directly affected by the vacation herein prayed for.
2. The Petitioner wishes the Board to vacate the following portion of Branch No. 14 of The Elliott Ditch, lying wholly within Tippecanoe County, Indiana:

Beginning at station 286 of the main ditch thence south to station 3 + 70 feet said course intersecting the public highway running east and west through the center of Section 3 Township 22 Range 4 West; thence south 45° east to station 5; thence south 30° east to station 8 + 75 feet; thence south 33-½° east to station 12; thence south 1° west to station 15; thence south 35° west to station 19+60 feet; thence south 2° east to station 21+20 feet; thence south 37° east to station 26; thence south 4° east to station 32+80 feet, said station 32+80 feet, said last course intersecting the Lake Erie & Western Railroad roadbed at a point 25 feet west of the certain culvert in the roadbed of said railroad.
3. The above-described portion of said legal drain no longer performs the function for which it was designed and constructed inasmuch as the upstream drainage has been totally diverted through another positive drain to the Elliott Ditch.
4. The expense of reconstructing the above-described portion of said legal drain outweighs the benefits to be derived therefrom.
5. The vacation and abandonment of the above-described part of said legal drain will not be detrimental to the public welfare.
6. The owners which the Petitioner believes would be directly affected by said vacation are as follows:
 1. First National Bank of East Chicago
Indiana (The Petitioner herein)
 2. Fairfield Manufacturing Co., Inc.
U. S. 52 South
Lafayette, Indiana 47905
 3. Rostone Corporation
By Pass 52 South
Lafayette, Indiana 47905
 4. Tippecanoe Industrial Associates, Ltd.
17 Academy
Newark, New Jersey 07102
7. The Petitioner wishes to have the date on which the matter will be referred to the surveyor for report advanced in accordance with IC 19-4-1-10(g).
8. The attorneys who will represent the Petitioner in these proceedings are Thomas R. McCully and Roger D. Branigan, Jr. of the firm of Stuart, Branigan, Ricks, & Schilling, 801 The Life Building, Lafayette, Indiana 47902 (Phone: 317/742-8485), and Joseph E. Costanza, of the firm of Murphy, McAtee, Murphy & Costanza, 720 West Chicago Avenue, East Chicago, Indiana 46312 (Phone: 219/397-2401).

WHEREFORE, the Petitioner prays that the Board:

- A. Serve notice of intention to vacate the above-described portion of Branch No. 14 of the Elliott Ditch on all owners of land affected by said vacation;
- B. Advance the date on which the matter will be referred to the surveyor for report;
- C. Fix a date for and hold a hearing on the proposed vacation; and
- D. Issue an order vacating the above-described portion of Branch No. 14 of the Elliott Ditch as a legal drain.

FIRST NATIONAL BANK OF EAST CHICAGO, INDIANA
BY: /s/ William J. Riley
Chairman of the Board

STUART, BRANIGIN, RICKS & SCHILLING
801 The Life Building
Lafayette, Indiana 47902

Attorneys for Petitioner

MURPHY, MCATEE, MURPHY & COSTANZA
720 West Chicago Avenue
East Chicago, Indiana 46312

Attorneys for Petitioner

Also supplied were three JOINDER AND CONSENT papers signed by (1) Rostone Corporation BY Robert B. Smith, it's President (2) Tippecanoe Industrial Associates, LTD. BY: Rachlin Properties, Inc. BY: S. Rachlin, it's vice President and (3) Fairfield Manufacturing Co., Inc. BY: Charles E. Kramer, it's President. All three consents read as follows:

JOINDER AND CONSENT
(Fairfield Manufacturing Co.
(Tippecanoe Industrial Associates, Ltd. respectfully shows The Tippecanoe
(Rostone Corporation
County Drainage Board as follows:

1. It is the owner of certain real estate in Tippecanoe County, Indiana which is affected by the following portion of Branch No. 14 of the Elliott ditch:

Beginning at station 286 of the main ditch thence south to station 3+70 feet said course intersecting the public highway running east and west through the center of Section 3 Township 22 North Range 4 West; thence south 45° east to station 5; thence south 30° east to station 8+75 feet; thence south 33-½° east to station 12, thence south 1° west to station 15; thence south 35° west to station 19+60 feet; thence south 2° east to station 21+20 feet; thence south 37° east to station 26; thence south 4° east to station 32+80 feet, said last course intersecting the Lake Erie & Western Railroad roadbed at a point 25 feet west of the certain culvert in the road-bed of said railroad.
2. It is aware that First National Bank of East Chicago, Indiana is filing a petition with the Board to vacate the above-described portion of Branch No. 14 of The Elliott Ditch.
3. The undersigned wishes to and does hereby join in and consent to said petition and the vacation sought therein and requests that the Board grant the same.

After much discussion by all present the Board referred this Branch to the Surveyor to classify and make a report to them as to it's feasibility. Bruce Osborn felt the Board's first consideration should always to all landowners in the drainage area and if the change would affect even one farmer's drainage, the ditch should not be vacated. The question of whether the Elliott ditch could carry the extra load from the Staley Company if they would locate in this area was discussed. Mr Branigan said it was hard- for this area to turn down a \$ 50,000,000 business and that as yet the Staley people had only an option on the land. It was noted that when General Foods came into the area they had re-routed this branch of the Elliott ditch through their land without ever consulting the Drainage Board. Mr. Osborn asked the Surveyor to contact the General Foods people asking that they vacate the old part that they re-routed. Mr. Martin said he would make his report to them as soon as possible and would notify the people and set up a hearing.

Benton Co.
Drainage Board
+
Tippecanoe Co.
Drainage Board

Mr. John Barker, Surveyor of Benton County along with Sam Wolf, Melvin LaGue and Wayne Anderson, Benton County's Drainage Board met with the Tippecanoe County Board to discuss the possibility of combining the Darby and the Wetherill ditches into one drain. The Wetherill ditch is tile and is located almost totally in Tippecanoe County but the Darby ditch is open and located almost totally in Benton County. However, the Darby ditch is the outlet for the Wetherill ditch and until it is dredged no one will have drainage. To make a natural waterway a portion of the Darby ditch, to combine the two into one system, and to set the combination up for reconstruction is the job facing the two surveyors. Because Mr. Martin is a licensed Land Surveyor and Mr. Barker is not, the Board asked Mr. Martin if he would do the engineering work and assured him Mr. Barker would help in any capacity he could. The Benton County Attorney is Mr. John Barce with phone 317/884-0383. The Board suggested that our Attorney and Mr. Barce get together to get the legal work started.

Upon motion of Bruce Osborn, seconded by Robert Fields, the Board moved to adjourn.

ATTEST:

Gladys B. Ridder
Gladys Ridder, Exec. Secretary

Robert F. Fields
Robert F. Fields, Chairman

William J. Vanderveen
William Vanderveen, Vice Chairman

Bruce V. Osborn
Bruce Osborn, Board Member